



Atty. Docket No.: 3284/1220

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Joel Habener, et al.  
Serial No.: 09/731,255  
Filed: December 6, 2000  
Entitled: "Stem Cells And Their Use In  
Transplantation"

Examiner: Bunner, B.E.  
Group Art Unit: 1647  
Conf. No.: 9070

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a**

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated above in an envelope addressed to Commissioner for Patents, Office of Initial Patent examination, Customer Service Center, Washington, D.C. 20231.

Kathleen M. Williams  
Name of Person Mailing Paper

Signature of Person Mailing Paper

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SEP 12 2003

Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, D.C. 20231

TECH CENTER 1600/2900

**CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. §1.48(a)**

Sir:

Applicants hereby request that the inventorship of the above captioned patent application be corrected to include Melissa K. Thomas of Boston, Massachusetts as an inventor. Melissa K. Thomas was inadvertently omitted on the executed declaration originally filed with this application. Applicants submit that this error was inadvertent and occurred without deceptive intent.

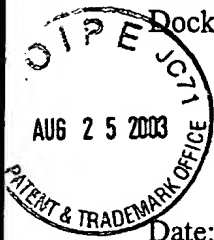
Applicants submit herewith a correct, substitute Declaration showing the inventors for the present application as:

Joel E. Habener, Newton Highlands, MA;  
Hendrik Zulewski, Geneva, Switzerland;  
Elizabeth J. Abraham, Quincy, MA;  
Mario Vallejo, Madrid, Spain;  
Denise L. Faustman, Weston, MA; and  
Melissa K. Thomas, Boston, MA.

Applicants also submit herewith a statement from Melissa K. Thomas stating that the error in inventorship occurred without deceptive intent.

Please enter the executed Declaration filed herewith into the above captioned application. Applicants further request issuance of a corrected Official Filing Receipt for the above-identified patent application.

Serial No.: 09/731,255  
Docket No.: 3284/1220



Date: August 28, 2002

Respectfully submitted,

  
\_\_\_\_\_

Name: Kathleen M. Williams  
Registration No.: 34,380  
Customer No.: 29933  
Palmer & Dodge LLP  
111 Huntington Avenue  
Boston, MA 02199  
Tel: 617-239-0100

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Transplantation"

Examiner: Not yet assigned

Group Art Unit: 1645

Conf. No.: 9070

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.82**

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Kathleen M. Williams

Name of Person Mailing Paper

Signature of Person Mailing Paper

Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, D.C. 20231

RECEIVED

SEP 12 2003

TECH CENTER 1600/2900

**Statement of Lack of Deceptive Intention**

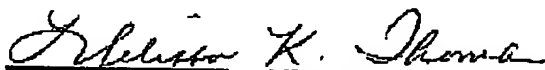
Sir:

I hereby state that I am an inventor in the above-captioned patent application, but by inadvertent error, was not included on the executed declaration filed previously.

I hereby state that the inventorship error occurred without any deceptive intent.

Respectfully submitted,

Date: August 21, 2002



Name: Melissa K. Thomas  
Boston, MA

TOTAL P.03

Express Mail Label Number:

Date of Deposit:

Practitioner's Docket No. 3284/1220

PATENT

**COMBINED DECLARATION AND POWER OF ATTORNEY  
(FOR PATENT APPLICATION)**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**"STEM CELLS AND THEIR USE IN TRANSPLANTATION"**

(check one) ☐ is attached hereto.

☒ was filed on December 6, 2000 as

Application Serial No.: 09/731,255

And was amended on \_\_\_\_\_, if applicable

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I do now know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application.

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I acknowledge the duty to disclose information, which is material to the patentability of this application in accordance with Title 37 CFR § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application(s) |         | Date Filed | Priority Claimed                |                                |
|------------------------------|---------|------------|---------------------------------|--------------------------------|
| Number                       | Country |            | <input type="checkbox"/><br>Yes | <input type="checkbox"/><br>No |
| Number                       | Country |            | <input type="checkbox"/><br>Yes | <input type="checkbox"/><br>No |

Serial No.: 09/731,255

Page 2

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| <u>Application Number</u> | <u>Filing Date</u> |
|---------------------------|--------------------|
| 1. 60/169,082             | December 6, 1999   |
| 2. 60/215,109             | June 28, 2000      |
| 3. 60/238,880             | October 6, 2000    |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(e) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| <u>Application Number</u> | <u>Filing Date</u> | <u>Status - patented, pending, abandoned</u> |
|---------------------------|--------------------|--|
| 1.                        |                    |  |

#### POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

#### APPOINTED PRACTITIONER(S)

#### REGISTRATION NUMBER(S)

|                       |        |
|-----------------------|--------|
| Kathleen M. Williams  | 34,380 |
| Richard B. Smith      | 34,020 |
| Paula Campbell Evans  | 32,503 |
| Joyce C. Hersh        | 42,890 |
| David Dykeman         | 46,678 |
| Mark J. FitzGerald    | 45,928 |
| Elizabeth Neuman Spar | 45,123 |
| Matthew M. Beaudet    | 50,649 |
| Michael P. Doyle      | 49,052 |

Address all correspondence to:

**KATHLEEN M. WILLIAMS**

Customer No.: 29933

Palmer & Dodge, LLP

111 Huntington Avenue

Boston, MA 02199-7613

Direct all telephone calls to Kathleen M. Williams at (617) 239-0100

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

First Named Inventor:

Joel F. Habener Date: June 21, 2002  
Inventor's Signature  
Name: Joel F. Habener JOEL F. HABENER JFH/6/21/02  
Residence: United States  
Citizenship: United States  
Post Office Address: 217 Plymouth Road, Newton  
Highlands, MA 02461 156 GRANT AVENUE  
NEWTON CENTRE, MA 02459  
JFH/6/21/02

Second Named Inventor:

\_\_\_\_\_  
Inventor's Signature  
Name: Hendrik Zulewski  
Residence: Switzerland  
Citizenship: German  
Post Office Address: Av. De La Grenade, 19, CH-  
1207 Geneva, Switzerland

Address all correspondence to:

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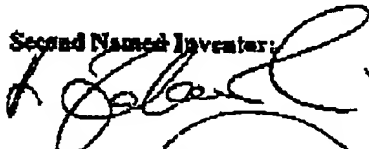
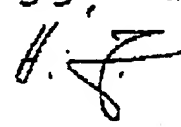
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First Named Inventor:

Inventor's Signature \_\_\_\_\_ Date: \_\_\_\_\_  
Name: Joel E. Habener  
Residence: United States  
Citizenship: United States  
Post Office Address: 217 Plymouth Road, Newton  
Highlands, MA 02161

Second Named Inventor:

 \_\_\_\_\_ Date: July 21 2002  
Inventor's Signature  
Name: Henryk Zulewski Henryk H.F.  
Residence: Switzerland  
Citizenship: German  
Post Office Address: Av. De La Grenade, 19, CH-1207 Geneva, Switzerland offenburgerstrasse 55, CH-4057 Basel  


Serial No.: 09/731,255

Page 4

Third Named Inventor:

Elizabeth J. Abraham

Date:

6/24/02

Inventor's Signature

Name: Elizabeth J. Abraham

Residence: United States

Citizenship: United States

Post Office Address: 119 Utica Street, Quincy, MA  
02169

Fourth Named Inventor:

Date:

Inventor's Signature

Name: Mario Vallejo

Residence: Spain

Citizenship: Spanish

Post Office Address: Pasco Infanta Isabel 15, 3D,  
28014 Madrid, Spain

Fifth Named Inventor:

Date:

Inventor's Signature

Name: Denise L. Faustman

Residence: United States

Citizenship: United States

Post Office Address: 74 Pinecroft Road, Weston, MA  
02193

Sixth Named Inventor:

Date:

Inventor's Signature

Name: Melissa K. Thomas

Residence: United States

Citizenship: United States

Post Office Address: One Longfellow Place, Apt.  
2616, Boston, MA 02114

TOTAL P.03



Third Named Inventor:

\_\_\_\_\_  
Inventor's Signature Date: \_\_\_\_\_

Name: Elizabeth H. Abraham  
Residence: United States  
Citizenship: United States  
Post Office Address: 19 Utica Street, Quincy, MA  
02169

Fourth Named Inventor:

*M. Valley* \_\_\_\_\_ Date: *June 19, 2002* \_\_\_\_\_

Inventor's Signature  
Name: Mario Vallejo  
Residence: Spain  
Citizenship: Spanish  
Post Office Address: Paseo Infanta Isabel 15, 3D,  
28014 Madrid, Spain

Fifth Named Inventor:

\_\_\_\_\_  
Inventor's Signature Date: \_\_\_\_\_

Name: Denise L. Faustman  
Residence: United States  
Citizenship: United States  
Post Office Address: 74 Pincroft Road, Weston, MA  
02193

Sixth Named Inventor:

\_\_\_\_\_  
Inventor's Signature Date: \_\_\_\_\_

Name: Melissa K. Thomas  
Residence: United States  
Citizenship: United States  
Post Office Address: One Longfellow Place, Apt.  
2616, Boston, MA 02114

Express Mail Label Number:

Date of Deposit:

Practitioner's Docket No. 3284/1220

PATENT

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**"STEM CELLS AND THEIR USE IN TRANSPLANTATION"**

(check one) ☐ is attached hereto.  
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**First Named Inventor:**

\_\_\_\_\_  
Inventor's Signature

Name: Joel E. Habener

Residence: United States

Citizenship: United States

Post Office Address: 217 Plymouth Road, Newton  
Highlands, MA 02161

\_\_\_\_\_  
Date:

**Second Named Inventor:**

\_\_\_\_\_  
Inventor's Signature

Name: Hendrik Zulewski

Residence: Switzerland

Citizenship: German

Post Office Address: Av. De La Grenade, 19, CH-  
1207 Geneva, Switzerland

\_\_\_\_\_  
Date:


**Third Named Inventor:**

\_\_\_\_\_  
Inventor's Signature  
Name: Elizabeth H. Abraham  
Residence: United States  
Citizenship: United States  
Post Office Address: 19 Utica Street, Quincy, MA  
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Citizenship: Spanish  
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\_\_\_\_\_  
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Name: Denise L. Faustman  
Residence: United States  
Citizenship: United States  
Post Office Address: 74 Pinecroft Road, Weston, MA  
02193  
Date: 6/11/02

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\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date:

Name: Joel E. Habener

Residence: United States

Citizenship: United States

Post Office Address: 217 Plymouth Road, Newton  
Highlands, MA 02161

**Second Named Inventor:**

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date:

Name: Hendrik Zulewski

Residence: Switzerland

Citizenship: German

Post Office Address: Av. De La Grenade, 19, CH-  
1207 Geneva, Switzerland



**Third Named Inventor:**

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date:

Name: Elizabeth H. Abraham

Residence: United States

Citizenship: United States

Post Office Address: 19 Utica Street, Quincy, MA  
02169

**Fourth Named Inventor:**

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date:

Name: Mario Vallejo

Residence: Spain

Citizenship: Spanish

Post Office Address: Paseo Infanta Isabel 15, 3D,  
28014 Madrid, Spain

**Fifth Named Inventor:**

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date:

Name: Denise L. Faustman

Residence: United States

Citizenship: United States

Post Office Address: 74 Pinecroft Road, Weston, MA  
02193

**Sixth Named Inventor:**

\_\_\_\_\_  
*Melissa K. Thomas*  
Inventor's Signature

\_\_\_\_\_  
Date:

*6/26/02*

Name: Melissa K. Thomas

Residence: United States

Citizenship: United States

Post Office Address: One Longfellow Place, Apt.  
2616, Boston, MA 02114

Serial No. 09/731,255 File No. 3284/1220 By KMW/MB

Applicant(s): Habener, et al.

Title: Stem Cells and Their Use In Transplantation

The Following, DUE \_\_\_\_\_ in the USPTO, was received by the PTO Mail Room on the date stamped hereon:

- |   |  |
|---|--|
| <input type="checkbox"/> Cert. of Mailing by Express Mail (37 CFR 1.10)                                   | <input type="checkbox"/> Response to Notice to File Missing Parts                          |
| <input type="checkbox"/> Express Mail Label No. _____   | <input type="checkbox"/> Copy of Part 2 of NFMP  |
| <input type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a)   | <input type="checkbox"/> Diskette Containing Nucleotide and/or Amino Acid Sequence Listing |
| <input type="checkbox"/> Patent Application (_____ total pgs)   | <input type="checkbox"/> Priority Document(s) # _____                                      |
| <input type="checkbox"/> <input type="checkbox"/> Provisional or <input type="checkbox"/> Non-Provisional | <input type="checkbox"/> Amendment/Response  |
| <input type="checkbox"/> ( pgs) Specification ( pgs) Abstract,  | <input type="checkbox"/> Petition for Extension of Time (x2)                               |
| <input type="checkbox"/> ( pgs) Claims (_____ # claims)   | <input checked="" type="checkbox"/> Check in the amount of <u>\$130.00</u>                 |
| <input type="checkbox"/> New Patent Application Transmittal   | <input type="checkbox"/> Check # _____   |
| <input type="checkbox"/> Provisional Patent Application Cover Sheet                                       | <input type="checkbox"/> Transmittal of Formal Drawings                                    |
| <input checked="" type="checkbox"/> Declaration and Power of Attorney                                     | <input type="checkbox"/> Motion/Opposition/Reply   |
| <input type="checkbox"/> Application Data Sheet   | <input type="checkbox"/> Request for Cont'd Examination (RCE)                              |
| <input type="checkbox"/> Drawings _____ Sheet(s) (FIGS. _____)  | <input type="checkbox"/> Notice of Appeal  |
| <input type="checkbox"/> <input type="checkbox"/> Formal or <input type="checkbox"/> Informal             | <input type="checkbox"/> Appeal Brief (x3)   |
| <input type="checkbox"/> Assignment of _____  | <input type="checkbox"/> Issue Fee Transmittal   |
| <input type="checkbox"/> Recordation Cover Sheet Form PTO-1595  | <input checked="" type="checkbox"/> Transmittal Letter (x2)                                |
| <input type="checkbox"/> Information Disclosure Statement   |  |
| <input type="checkbox"/> Form PTO 1449 and Copies of Cited References                                     |  |
| <input checked="" type="checkbox"/> Other <u>Correction of Inventorship; and</u>                          |  |
| <u>Statement of Lack of Deceptive Intention.</u>  |  |

MAILED August 28, 2002

**PALMER & DODGE LLP**  
Innovation Avenue Federal Office  
Boston, MA 02108  
Date: 08/29/02

**EXACTLY \$130.00 DOLLARS AND 00 CENTS**

**COMMISSIONER FOR PATENTS**

**PALMER & DODGE LLP**

Maria A. Machado AUTH: SIG

**Fleet Bank**  
Fleet Maine N.A.  
South Portland, ME

034784 0112015391 80 057 2091

Security Features Included: Details on Back